

AN ORDINANCE approving the awarding of Reference #5006 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KORTE BROS., INC. for the Water Maintenance & Service Department.

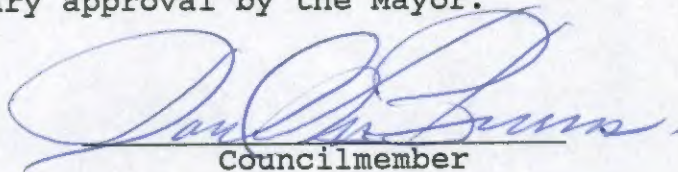
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5006 between the City of Fort Wayne, by and through its Department of Purchasing and KORTE BROTHERS for the Water Maintenance & Service Department, respectfully for:


the purchase of six (6) equipment trailers for the Water Maintenance & Service Department;

involving a total cost of Thirteen Thousand Five Hundred Ninety-Six and no/100 Dollars (\$13,596.00), all as more particularly set forth in said Reference #5006 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.

REF. NO.: 5006
DEPT.: WATER MAINTENANCE
DATE: 6/11/91
ITEM/SERV.: EQUIPMENT TRAILERS

PURCHASING INFORMATION

ADVERTISED BID: YES
DATES ADVERTISED: 4/12/91 & 4/19/91
OPENING DATE: 5/2/91

WRITTEN QUOTE:

DUE DATE:

VERBAL QUOTE:

SINGLE SOURCE:

NO. OF VENDORS NOTIFIED: 18

NO. OF VENDORS RECEIVING BID/QUOTE: 12

NO. OF VENDORS RETURNING BID/QUOTE: 7

NO. OF VENDORS DISQUALIFIED: 0

NO. OF VENDORS NOT RESPONDING: 11

DATE SENT TO DEPT FOR RECOMM.: 5/2/91

DATE RECOMMENDATION REC'D IN PURCH: 5/23/91

COUNCIL INFORMATION DATES SENT EXTENSION DATES

DATE INFO SENT TO LAW DEPT.: 5/31/91

INTRODUCTION DATE: ~~6/11/91~~ 5/28

DISCUSSION DATE: 6/18/91 6/4

PASSAGE DATE: ~~6/25/91~~ 6/11

ORDINANCE NO.:

REFERENCE NO. 5006
SINGLE AXLE EQUIP TRAILER
5-9-91

DESCRIPTION	W A JONES	AGGREGATE	MCD EQUIP	DEEDS EQUIP	MILL SUPPLY	MACDONALD MACH	KORTE BROS
MAKE	TILT BED	TILT BED	HUDSON	HUDSON	WIL-RO	BUTLER	HUDSON
MODEL	OTT5212	500 SERIES	HD-12	HD-12	TRAILER	TS/LT SERIES	HD-12
COST PER TRAILER	\$2,566.80	\$2,422.00	\$2,190.00	\$2,498.00	\$2,306.25	\$2,300.00	\$2,266.00
TOTAL FOR SIX	\$15,400.80	\$14,532.00	\$13,140.00	\$14,988.00	\$13,837.50	\$13,800.00	\$13,596.00
DELIVERY TIME ARO	60 DAYS	60 DAYS	30 DAYS	30 DAYS	30 DAYS	14-21 DAYS	30 DAYS
VALIDITY BID PRICE	30 DAYS	60 DAYS	60 DAYS	90 DAYS	90 DAYS	90 DAYS	60 DAYS

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 5-2-91 @ 11:00 AM BID REFERENCE # 5006

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR SIX (6) /- SINGLE AXLE EQUIPMENT
TRANSPORT TRAILERS PER SPECIFICATIONS

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES A XXX 5% BID BOND, CERTIFIED OR CASHIER'S
CHECK OF ALL BIDDERS

THIS BID REQUIRES A XXX 100% PERFORMANCE BOND OF SUCCESSFUL
BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: Net 10 Days %
IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Korte Bros., Inc.
STREET ADDRESS 335 Murray St.
CITY Ft. Wayne, IN 46803 PHONE # 219 745 4941
BY Beau Mullins V.P.
REPRESENTATIVE SIGNATURE

W.M.&S.D.
CITY UTILITIES
CITY OF FORT WAYNE

415 E. WALLACE ST.
FORT WAYNE, IN 46802
(219) 427-1247

BID PRICE PAGE
BASE BID

SINGLE AXLE EQUIPMENT TRANSPORT TRAILER
(Per Attached Specifications)

BID
(6) PRICE \$ 2,266.00 EACH EXT. \$ 13,596.00

DELIVERY AFTER RECEIPT OF ORDER: 30 days (Calendar)

VALIDITY OF PRICE ON BASE BID: 60 days (Calendar)

COMPANY NAME:


(Company Bidder's Signature)

Beauford Mullins
Korte Bros., Inc.

(Bidder's Typed Name)

DATE: 5/1/91

TOLL-FREE TELEPHONE NUMBER 219 745 4941

manufactured and sold twenty or more of the specified units during the past two years. A list of at least five users shall be supplied.

Parts and Service

To best serve the requirements of the W.M.&S.D., it is the intent of these specifications to secure equipment which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to lack of spare parts.

All suppliers submitting proposals shall have available a factory parts and service center. The center shall be staffed with full time technical, as well as order and shipping personnel during regular business hours and days. The factory center shall have toll free telephone or agree to accept all collect calls from owner and be convenient to air freight, bus or overnight parcel service. The supplier shall list its nearest parts and service location, plus any other pertinent information requested.

Exceptions and Acceptability

Exceptions to the component list and specification requirements, or failure to submit requested information shall be considered sufficient cause for rejection of a proposal. W.M.&S.D., CITY UTILITIES, CITY OF FORT WAYNE, reserves the right to reject any/or all bids, to waive any and all informalities, to negotiate contract terms with the successful bidder, and the right to disregard all nonconforming, nonresponsive or conditional bids, if rejection or waiver is in its best interest.

Information to be furnished by the supplier

Each supplier shall furnish the following information with its proposal:
(Please check each item to indicate compliance)

- | | | |
|----|---|---|
| A. | Bid Price Page | x |
| B. | Detailed Component List Including Spare Parts | x |
| C. | Complete System Specifications | x |
| D. | Literature describing all major components in detail to include all optional equipment | x |
| E. | Photographs of a complete unit identical to the one to be supplied | x |
| F. | Compliance to the specifications shall be answered by a yes or no, and deviations and/or exceptions shall be clearly indicated on an attached sheet and referenced by component to aid in proper evaluation | x |

- G. Supply full details outlining warranty Yes
- H. Supply certified surety company's statement of readiness to furnish a 100% performance bond within 10-day notice Yes.
- I. Supply full details outlining service policy including factory parts and availability of full-time staff Yes

Certificate of Insurance

The successful bidder shall supply a minimum of \$1,000,000 of Bodily Injury and Property Damage Insurance, including but not limited to a Broad Form Liability Endorsement and Products and Completed Operations coverage. A Certificate of Insurance showing the \$1,000,000 coverage shall be provided with the bid. Failure to supply the certificate of insurance shall be considered sufficient cause for rejecting the bid.

Bid Prices

Bid prices, including optional-item-bid-prices, for this system, as specified, shall include, but not be limited to, the following:

- a. The complete system installed and delivered to W.M.&S.D., City Utilities, 415 E. Wallace Street, Fort Wayne, Indiana;
- b. Any and all costs of specified instructions/testing.

Specifications

The following are specifications for (6) new single axle equipment transport trailers.

		HUDSON HD-12
GVWR:	5,200 lbs.	6,000 lbs.
Minimum Trailer Weight:	1,270 lbs.	1,560 Lbs.
Bed Length:	144"	154"
Bed Width:	72"	72"
Bed Height:	14½"	17"
Fenders:	1/8" Steel Diamond Plate	1/8" Diamond Plate
Floor:	1/8" Steel Diamond Plate	1/8" Diamond Plate
Frame:	Tilt Type	Tilt Type

W.M.&S.D., CITH UTILITIES, CITY OF FORT WAYNE
SINGLE AXLE EQUIPMENT TRANSPORT TRAILER

PAGE 4 OF 4
HUDSON HD-12

Tongue Jack:	Fold Up-Screw Type	YES
Brakes:	Electric-2"X12"	YES
Wet Cell Break-A-Way Switch System / Safety Kit (HD Battery & Heavy Metal Box w/switch:		YES
Tires:	8:00 X 14.5" - 12 P.R.	YES
Hitch:	Adjustable Pentle Eye/ 6 position	YES
Dual Safety Chains W/ Hooks:		YES
Tie Down Pockets:	(4) Four	YES
Springs:	Slipper Type Multi-Leaf	YES
Heavy-Duty Hubs & Drums W/Large Outer Bearings:		YES
Lights & Electric:	DOT Approved	YES
2 Stop-Turn-Tail Lights & License Light W/ Guards:		YES
1 Three -Light I.D. at Rear:		YES
4 Red Clearance Lights at Rear:		YES
2 Amber Clearance Lights at Front:		YES
4 Amber Reflectors, 4 Red Reflectors:		YES
Wiring Junction Box W/Color Coded Automotive Type Harness:		YES
6 Way Plug and Scket:		YES
Undercoating on Underside:		YES
Paint: (GLACIER BLUE)		YES

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.3)
(Please type or print)

Date: 5/1/91

1. Governmental Unit: Department of Purchasing- City of Fort Wayne
 2. County: _____
 3. Bidder (Firm): Korte Bros., Inc.
 Address: 335 Murray St.
 City/State: Ft. Wayne, IN 46803
 4. Telephone Number: 219 745 4941
 5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to _____ (Gov-
 ernmental Unit) in accordance with the following attachment(s) which specify the class or item number or
 description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or
 alterations in the items specified will render such bid void as to that class or item. Bidder promises that
 he has not offered nor received a less price than the price stated in his bid for the materials included in
 said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A
 certified check or bond shall be filed with each bid if required, and liability for breach shall be enforce-
 able upon the contract, the bond or certified check or both as the case may be.

Korte Bros. Inc.
Beauchamp Miller VP
 Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body.
 Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen County)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other
 member, representative, or agent of the firm, company, corporation or partnership represented by him,
 entered into any combination, collusion or agreement with any person relative to the price to be bid by
 anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding,
 and that this bid is made without reference to any other bid and without any agreement, understanding or
 combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly
 or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Korte Bros., Inc.

Bidder (Firm)

Signature of Bidder or Agent

Subscribed and sworn to before me this 1st. day of MayMy Commission Expires: 11/27/93County of Residence: Allen

Notary Public

Mary M. Stambaugh - Allen County
 Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of
 _____ (Governmental Unit) hereby accepts the terms of the attached bid for
 classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price
 quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: _____

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Korte Bros., Inc.335 Murray StreetFort Wayne, IN 46803

as Principal, (hereinafter called the "Principal"), and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto Department of Purchasing, City of Fort Wayne

One Main Street, Room 350Fort Wayne, IN

as Obligee, (hereinafter called the "Obligee"),

in the sum of Five Percent (5%) of Contractor's Maximum Bid Dollars (\$), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Six (6) Hudson Bros. Trailers, Model HD-12

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 2nd day of May A.D. 19 91

Mary M. Steinhilber
Witness

KORTE BROS., INC.

(SEAL)

Charles W. Miller V.P.
Principal
Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

Jill K. Eckert
Jill K. Eckert
Witness

By Judith A. Snyder (SEAL)
Judith A. Snyder
Attorney-in-fact
Title

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Duane E. Lupke, Donald L. Coffey, Edward B. Rice, Walter E. Boose, Virginia T. Axson, Gerald Clancy and Judith A. Snyder, all of Fort Wayne, Indiana, EACH

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Duane E. Lupke, et al., dated, April 2, 1986.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of October, A.D. 1987

ATTEST:



FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C. W. Robbins
Assistant Secretary

By

Ch. J. F. Faler
Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE

ss:

On this 1st day of October, A.D. 1987, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Carol J. Faler
Notary Public Commission Expires July 1, 1990

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 2nd day of May, 1991.

044-2987

Christopher T. Haddox
Assistant Secretary

Read the first time in full and on motion by Burns, seconded by GiaQuinta, and duly adopted, read the second time title and referred to the Committee on City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 5-28-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Redd, and duly adopted, placed on its passage. PASSED YES by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 144-91 on the 11th day of June, 1991.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991 at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of June, 1991, at the hour of 10:30 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 5006 for the purchase of six (6) equipment trailers for the Water Maintenance and Service Department. The cost reflects the most responsive of seven (7) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED: Low vendor was MCD Equipment out of Troy Ohio in the amount of \$13140.00. The Department wishes to award to the second low vendor, Korte Brothers in Fort Wayne, in the amount of \$13596.00 (a difference of \$456.00), thus making the availability of parts more accessible.

EFFECT OF PASSAGE: These trailers will be used to transport shoring equipment.

IF REPLACEMENT, WHAT NECESSITATES:

291-05-40

EFFECT OF NON-PASSAGE: We would have difficulty transporting shoring equipment, making some jobs much more dangerous.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Korte Bros \$13,596.00

PRICE AGREEMENT:

PURCHASE ORDER: Yes

ACCOUNT INFORMATION: W M & S 515-523-B101-4444

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. S-91-05-40

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #5006 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and KORTE BROS., INC. for
the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Paul M. Burns
Edmonds, Long, Schmidt

Charles B. Redd

DATED: 6-11-91

Sandra E. Kennedy
City Clerk